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C O N F I D E N T I A L SECTION 01 OF 03 TAIPEI 002769

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SUBJECT: CONSTITUTIONAL REFORM, ROUND II: CONSOLIDATING  
TAIWAN DEMOCRACY OR BACK DOOR TO INDEPENDENCE?

REF: TAIPEI 2490

Classified By: AIT Director Douglas H. Paal, Reason 1.4 b

1. (C) President Chen announced constitutional reform "Round Two" just hours after the National Assembly passed a constitutional amendment package on June 7. This further constitutional "re-engineering" is intended to create a "timely, relevant and viable" constitution by 2008, when Chen steps down as President. Pan-Blue opposition parties just as quickly rejected the proposal as too much too soon. They also hinted suspicion of Chen's pro-independence intentions, although the June 7 amendments will make it much more difficult to ratify any, much less radical, constitutional amendments. After an initial flurry of activity, Round Two has slowed to a quiet crawl in the face of Pan-Blue opposition and the reality of a more difficult constitutional amendment ratification process. End Summary.

Round Two: Something for Everyone  
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2. (C) At a banquet on June 7 celebrating passage that day of a constitutional amendment packet by the National Assembly (reftel), President Chen formally announced "Round Two" of constitutional reform. Chen invited opposition parties and civil groups to join with the DPP to create a "timely, relevant and viable" constitution by the time he, Chen, steps down in 2008. He pledged to avoid politically sensitive issues of name change, independence, territory, and sovereignty. Chen called for a "bottom-up" campaign to "re-engineer" the constitution, announcing that he would create a bipartisan Constitutional Reform Commission with opposition and civil society participation. Vice President Annette Lu the next day assured the press that President Chen would not dominate the commission, although DPP Deputy SecGen Yan Wan-chin told AIT that Chen would "of course" head the Commission.

3. (U) The Chen administration is couching the Second Round of constitutional reform as focused on good governance and consolidating Taiwan's young democracy. The ingredients cover a broad spectrum designed to appeal to a large swath of Taiwan's population, including:

- Labor rights (association, bargaining, strikes)
- Aborigine rights
- Abolishing the provincial government (Note: the provincial government was effectively eliminated in the 1999 constitutional revisions. End note)
- Replacing Taiwan's 5- with a 3-branch government
- Deciding if Taiwan has a presidential or cabinet government
- Extending voting rights to 18 year olds
- Converting from a draft to a volunteer military.

Presidential Office SecGen Yu Shyi-kun promised June 10 the Round Two campaign strategy would be announced in one week, a promise the government has not kept.  
Deepening Democracy, Building Good Governance  
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4. (C) Yeh Jiunn-rong, Minister in charge of the Research Development and Evaluation Commission (RDEC) and one of the architects of Chen's constitutional reforms, told AIT that Round Two is intended to deepen and consolidate Taiwan's young democratic institutions. It focuses on the kind of governance issues that he has pioneered in the RDEC, including e-government and responsiveness to citizens. President Chen, he explained, hopes to leave, as part of his presidential legacy, an efficient government that is responsive and accountable to the voters and encourages citizen participation.

5. (C) The Chen administration, Yeh continued, is being careful to describe Round Two, which will create a new constitution by 2008, as "constitutional re-engineering" to reassure the public that it does not involve radical revisions. The new constitutional amendment ratification threshold would in any event, Yeh noted, ensure moderation and the "middle way" (zhongyong). The public face of Round Two, the Constitutional Reform Commission, will include a

broad cross section of Taiwan society -- professionals, business, local representatives, political parties, legislators. Yeh himself is a point man for constitutional reform in part because he is formally not a member of the DPP (although he was appointed a DPP member of the recent NA) and has close ties with many opposition leaders, including KMT Vice Chair P.K. Chiang (Chiang Ping-kun). With the KMT "the biggest beneficiary" of the June 7 constitutional amendments, Yeh said, it should be possible to elicit KMT support for Round Two. He particularly hoped that Ma Ying-jeou and Wang Jin-pyng would support phase two after the KMT Chair election on July 16.

16. (C) Noting that "We know Washington and Beijing are both carefully watching the constitutional reform issue," DPP Deputy SecGen Yan told AIT that the Chen government and the DPP will proceed cautiously and responsibly in order not to arouse concern. To that end, continued Yan, who is responsible for constitutional reform for the party, the DPP will keep AIT informed as plans for constitutional reform move forward. He is personally, however, very skeptical of the chances for Round Two reforms, noting that further constitutional reforms will be extremely difficult under the June 7 constitutional amendments. This skepticism has been echoed by senior DPP LY members.

#### Pan-Blue Opposition Slows the Train

17. (U) Opposition Kuomintang (KMT) and People First Party (PFP) were quick to reject Chen's proposal for a Second Round of constitutional revision. KMT rejoined that the DPP government should focus on improving Taiwan's limping economy and implementing the new constitutional amendments. PFP demanded that the constitution be protected and preserved, expressing concern over pro-independence implications of Round Two. Since together the two "Pan-Blue" parties constitute a majority of the LY, their support is essential for achieving the three-fourths LY vote required for approval of constitutional amendments. This high threshold, along with the second ratification step requiring approval by a majority of registered voters, means that only amendments with overwhelming political and public approval can run the ratification gauntlet.

18. (C) A broad range of "Blue" and "Green" political leaders tell AIT that there is little chance the Round Two constitutional revisions can go forward. DPP legislator Lin Cho-shui told the Director there is "no way" the Round Two amendments could pass because of the high ratification threshold and the complexity of the issues. Professor Chu Yun-han, a constitutional specialist at National Taiwan University, told AIT that the raised ratification threshold would make it difficult, even insurmountable, for future constitutional amendments to gain ratification.

19. (U) Though Presidential Office SecGen Yu Shyi-kun informed the press June 14 that President Chen remains determined to complete Round Two of constitutional reform, there has been a visible slow-down in Chen Administration reform activity. In his reference to the president's plan to create a Constitutional Reform Commission, Yu acknowledged there is no date or time table. President Chen himself has raised the possibility over the past week of first establishing a private constitutional reform league as a "forum" for constitutional reform and to lobby for, educate and encourage Round Two reforms.

#### Comment: Recognizing Reality

10. (C) President Chen moved quickly on Round Two in order to capitalize on the presumed momentum from the National Assembly only to find little momentum and lots of opposition to further constitutional revision. The slowdown in Round Two rhetoric over the ensuing three weeks reflects a realization of, and attempt to deal with, the new, post-June 7 constitutional reality. The generally more pragmatic, less ideological DPP SecGen Yan Wan-chin told AIT that he is confident the long-term trend is in favor of Taiwanization and eventual constitutional revision. This confidence, along with an awareness of the political sensitivities of further constitutional reform, particularly relative to Beijing and Washington, have for the time being instilled an element of caution within the Chen administration on the subject of constitutional reform.

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